

BOARD OF APPEALS CASE NO. 5245

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BEFORE THE

APPLICANTS: Thomas & Sandra Ford

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a detached garage within the required front yard setback; 2137 Whiteford Road, Whiteford

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/3/02 & 4/10/02

HEARING DATE: May 20, 2002

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Record: 4/5/02 & 4/12/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Sandra and Thomas Ford, are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to construct a detached garage within the required front yard setback in an AG/Agricultural District.

The subject parcel is located at 2137 Whiteford Road, Whiteford, MD 21160 and is more particularly identified on Tax Map 11, Grid 2D, Parcel 29, Lot 3. The parcel consists of 2.177± acres, is presently zoned AG/Agricultural and is entirely within the Fifth Election District.

Mr. Thomas Ford appeared and identified himself as the Applicant in this case. Mr. Ford proposes to construct a 34-foot by 28-foot detached garage on his property. The subject parcel is characterized by severe sloped areas to the rear and sides of the existing house. Also, to the rear is the septic reserve area. The proposed location is the only level area of the parcel that can easily accommodate a detached structure of this size. The Applicant needs additional storage and wishes to protect his automobiles from the elements. There is a neighbor's garage on the adjoining property in close proximity to the proposed garage location. The nearest residence is 300-400 feet away from the proposed garage. The Applicant does not intend to use the garage for business or habitable purposes. He does not believe the minor encroachment will cause any adverse impacts or impair the purposes of the Code. Because of the topography of his property and the location of the septic reserve, the Applicant does not believe there is any other practical location on his property for this structure than that proposed.

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The Department of Planning and Zoning recommends approval finding that, "...the subject property is unique. The actual building envelope is very limited due to the topography, the location of the septic reserve area and the location of the well. The proposed location is the only practical area that would not involve extensive grading. Because of the orientation of the house on the lot and the location of the driveway, the area proposed for the garage functions more as a side yard than a front yard. The garage on the adjacent lot sits approximately the same distance from the common lot line. The request, if approved, will not have an adverse impact on the intent of the Code or adjacent properties."

There were no persons who appeared in opposition to the Applicants' request.

CONCLUSION:

The Applicants, Sandra and Thomas Ford, are requesting a variance, pursuant to Section 267-26C(4) of the Harford County Code, to construct a detached garage within the required front yard setback in an AG/Agricultural District.

Harford County Code Section 267-26C(4) provides:

"No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23C, Exceptions and Modifications to Minimum Yard Requirements."

The Harford County Code, pursuant to Section 267-11, permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner, for the reasons stated by the Applicant and the Department of Planning and Zoning, recommends approval of the Applicants' request, finding that the subject parcel is unique and these unique features contribute to the need for a variance in this case. The proposal will not result in adverse impacts to adjoining properties nor will the purpose of the Code be materially impaired by approval.

The Hearing Examiner conditions the recommended approval on the following:

1. The Applicant obtain any and all necessary permits and inspections.
2. The structure not be used for business purposes or the storage of commercial vehicles or contractor's equipment.
3. That the structure not be used for living space.

Date MAY 29, 2002

William F. Casey
Zoning Hearing Examiner